REMARKS

In the application claims 1-19 remain pending. No claims have been cancelled and no further claims have been added. Certain of the claims have been amended and support for the amendments may be found in the specification and figures as originally filed. No new matter has been added. Presently, all of claims 1-19 stand rejected. The reconsideration of the rejection of the claims is, however, respectfully requested.

In the Office Action, claims 1-5 and 10-18 were rejected under 35 U.S.C. §§ 102(b) and 103 as being anticipated or rendered obvious by Huang (U.S. Patent No. 5,953,707). In rejecting the claims, it was asserted that Huang discloses a method for fulfilling an order in a supply chain (via decision support system (10) and vendor managed replenishment) with the steps of: receiving an advanced demand notice (via demand management 81) representative of the order that includes a specification of one or more items of interest to the customer (Col. 12, lines 51-65), and using a network of intelligent agents (via decision makers) to stage and manage the items specified in the advance demand notice within the supply chain as a function of probability of need for each item (via determining 37-42). It was also asserted that Huang discloses extracting information from a customer maintenance system (via evaluation of raw requirements and estimation of consolidated requirements) to create the advance demand notice (Col. 23, lines 1-46) and using an equipment knowledge base (via using a requirements management process 98) to determine the probability of need for each item (via estimating future requirements).

In response, it is respectfully submitted that a rejection under 35 U.S.C. §§ 102 or 103 may be maintained only if a cited reference discloses each and every element set forth in a claim under consideration, considering each and every word.

Believing that Huang fails to disclose each and every element of the claims, it is respectfully requested that the rejection of claims 1-5 and 10-18 be withdrawn.

Turning to Huang, Huang discloses a system wherein vendor managed repair is a process in which the vendor supplier takes responsibility for managing the inventory at the customer site for the product it supplies. As described within Huang, the vendor managed repair process operates on point-of-sales demand *as opposed to demand forecasts provided by the customer.* (Col. 14, lines 5-9). In the equipment repair supply chain of Huang, the movement of items within the supply chain is *reactive,* i.e., no advance demand notice is provided. Rather, as described by Huang, demand for items is generated in response to actual equipment failures. It is *after* equipment fails that a failed module is replaced from stock which, in turn, triggers a request to the vendor to bring the stock level back to a target level. (Col. 14, line 21 – Col. 15, line 44). In Huang, it is *after* the actual purchase order arrives that the vendor enterprise attempts to fulfill the requirement to the customer's satisfaction. (Col. 12, line 61-62).

As further described within Huang, the vendor utilizes a bottom-up estimation to estimate requirements for items by the customer. (Col. 16, lines 34-56). The vendor may use these estimates to create orders for raw materials to thereby ensure that the vendor may manufacture items to meet the demands of the customer when the item is actually needed. Huang expressly sets forth that this process is analogous to the inventory replenishment process of a retailer, i.e., it is again a reactive process.

From the foregoing, it is respectfully submitted that the system of Huang, and in particular the vendor managed replenishment process cited to in the Office Action, is in direct contrast to the claimed system and method. Rather than be directed to a reactive system as is the system of Huang, the claimed system and method is *proactive*, i.e., one which uses a network of intelligent agents to anticipate a need for an item, via an advance demand notice created from information extracted from a customer maintenance system, and which uses the probability of need for the item specified in the advance demand notice to move the physical items to a location within the supply chain prior to a time that the item is need, namely, *prior to* scheduled maintenance. Accordingly, since Huang fails to disclose, teach, or suggest each and every element of the claims, it is respectfully requested that the rejection of claims 1-5 and 10-18 be withdrawn. It is additionally submitted that claims 6-9, which were rejected under 35 U.S.C. § 103 as being rendered obvious by the combination of Huang and Drolet (U.S. Application 2002/0147622), should be deemed allowable for the same reason.

In the Office Action claim 19 was rejected under 35 U.S.C. § 102 as being anticipated by Fox (U.S. Patent No. 6,061,691). In rejecting claim 19, it was asserted that Fox discloses a method for fulfilling orders in a supply chain with the steps of receiving a first customer order specifying planned purchase items, receiving a second customer order specifying planned purchase items having an uncertain probability of need, determining the probability of need for the items in the second customer order, and using the determined probability of need to move items within the supply chain to simultaneously fulfill the first customer order and the second customer order.

In response, it is respectfully submitted that the rejection of claim 19 should be withdrawn for the reason that Fox cannot be said to disclose, teach, or suggest each and every element set forth in claim 19. In this regard, Fox discloses a system wherein, when a customer requests a quotation for media advertising time, a sales person uses price forecasting software to calculate the prices to be quoted to the customer. The price forecasting software considers inventory information, i.e., available advertising time, of multiple stations. The price forecasting software also considers reservation for inventory, i.e., reservations of advertising time. However, Fox fails to disclose, teach, or suggest a system that uses a determined probability of need to move physical items to one or more geographic locations within a supply chain as is set forth in claim 19. For at least this reason, it is believed that claim 19 should be considered to be allowable over Fox.

Claim 1 – 19 have been rejected under the judicially created doctrine of double patenting as being unpatentable over claims 1-22 of copending application no. 09/867,068. Since the rejection is provisional, i.e., it is not ripe since the conflicting claims have not in fact been patented, the applicants respectfully request that the rejection be withdrawn.
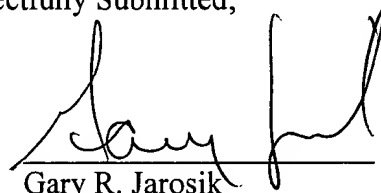
CONCLUSION

It is respectfully submitted that the application is in good and proper form for allowance. Such action of the part of the Examiner is respectfully requested. Should it be determined, however, that a telephone conference would expedite the prosecution of the subject application, the Examiner is respectfully requested to contact the attorney undersigned.

While it is not believed that any fees are due, the Commissioner is authorized to charge any fee deficiency to deposit account 50-2428 in the name of Greenberg Traurig.

Respectfully Submitted;

Date: May 10, 2004   By:

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